

# UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America  
v.  
JERMAINE ANDRE BLAND

Case No: 2:05-CR-27-1H

USM No: 25529-056

Date of Original Judgment: June 5, 2006

Date of Previous Amended Judgment: N/A

(Use Date of Last Amended Judgment if Any)

Thomas P. McNamara

Defendant's Attorney

## ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_


Although application of the retroactive amendment results in a lower guideline imprisonment range, the defendant did not receive a reduction under 18 U.S.C. § 3553(e) or Rule 35. The original range was 151 to 188 months and the minimum term required by statute, 120 months, was imposed pursuant to § 5K1.1. Therefore, a sentence below the mandatory minimum is not authorized.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated June 5, 2006 shall remain in effect. **IT IS SO ORDERED.**

Order Date: 12/20/2012

  
Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)

Malcolm J. Howard, Senior US District Judge  
Printed name and title